

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ORDER

vs.
ARDIENTE HOMEOWNERS
ASSOCIATION, LLC, A NEVADA
NON-PROFIT CORPORATION;
SCOTT HARRIS, Declarant and former
Ardiente HOA Board Member,
CORONA ARDIENTE LLC, Declarant;
SHEA HOMES LLC, Declarant;
JAMES MARSH and LINDA
KEMPER former Ardiente HOA Board
Presidents; MARGO HUGHEN, present
Ardiente HOA Board President; RYAN
SMITH, Ardiente HOA Board Member;
LAURY PHELPS, former community
Manager and employee; RMI
MANAGEMENT LLC; KEVIN
WALLACE, Law Firm of LEACH
JOHNSON SONG & GRUCHOW;
JOHN LEACH

Defendants.

Defendants' Leach Johnson Song & Gruchow, and John Leach's Motion to Dismiss (Doc. #9), joined by the remaining Defendants in this action (Doc. #11), is fully briefed and clearly demonstrates Defendants' entitlement to the relief requested

1 not only because Defendants are not state actors but because the Ardiente
2 Homeowners Association Clubhouse is private property, and not a place of public
3 accommodations.

4 Moreover, the core issue in this case is whether Plaintiff Deborah Sanzaro
5 should be permitted to have her Chihuahua dog, Angel, accompany her as a “service
6 dog” into the Ardiente Homeowners Association Clubhouse. This question is being
7 fully litigated in the Eighth Judicial District Court, State of Nevada. Disposition of
8 that case will have preclusive effect on the issues before this Court.

9 **IT IS THEREFORE ORDERED** that Defendants’ Leach Johnson Song
10 &Gruchow, and John Leach’s Motion to Dismiss (Doc. #9), joined by the remaining
11 Defendants in this action (Doc. #11) is **GRANTED**.

12 **IT IS FURTHER ORDERED** that Plaintiffs’ Motion for a Court Order to
13 Declare that the Ardiente Homeowners Association’s Clubhouse is a Place of Public
14 Accommodation and for other Orders regarding Plaintiff’s Disability and Her
15 Service Animal (Doc. #13) is **DENIED**.

16 **IT IS FURTHER ORDERED** that Plaintiffs’ Application to Proceed in
17 District Court Without Prepaying Fees or Costs (Doc. #24) is **DENIED**.

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19 DATED: November 17, 2011.



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21 PHILIP M. PRO
22 United States District Judge
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